SINGLE BENCH

C.S. 100/-

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

WRIT PETITION NO. 4963 /2005

(Petition under Article 226/227 of the Constitution of India)

PETITIONER : Tej Prakash Pandey, aged about 40 yrs S/o Shri Harishchandra Pandey, at present working as Patwari, Patwari Halka no. 18A Kondagaon, Tahsil office Kondagaon, Distt. Bastar, C.G.

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VERSUS

RESPONDENTS :

1) State of Chhattisgarh, through the Secretary, Revenue Department , D.K.S. Bhawan, Raipur (C.G.)

2) The Commissioner, Land Record, Chhattisgarh, Raipur, Distt. Raipur (C.G.)

3) The Collector Bastar at Jagddalpur, Distt. Bastar, C.G.

4) Tahsildar Kondagaon, Distt. Bastar, C.G.

5) Tahsildar Keshkal, Distt. Bastar, C.G.

6) Ashok Singh Thakur, at present working as Patwari at Patwari Halka No.18 Kopra, Tahsil office Keshkal, C.G.

P.R. No. 5173/05 Vishnukosha 4/10/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT OF MANDAMUS/ CERTIORARI, ORDER/ORDERS, DIRECTION/DIRECTIONS ETC.

1. **Particulars of the petitioners :**

As stated in the cause title above.

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4963 of 2005

Petitioner — Tej Prakash Pandey

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Vishnu Koshta, Advocate for the petitioner.
Mrs. Anju Ahuja, Dy. Govt. Advocate for the respondents No. 1 to 4/State.

ORDER
(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Patwari at Patwari Halka No. 18 A, Kondagaon, Tahsil Office, Kondagaon, was transferred to Patwari Halka No. 18, Kopra, Tahsil Office, Keshkal, on the same terms and conditions vide impugned transfer order dated 16.9.2005 (P/1).
2. This Court, vide interim order dated 7.10.2005, has stayed the effect and operation of the impugned order dated 16.9.2005 till the next date of hearing. By virtue of the interim order, the petitioner has continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.
6. Consequently, M. (W.)P. No. 4006/2005, application for grant of interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu